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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/887,505	07/02/1997	ROBERT L. KILKUSKIE	HYZ-040CIP	1117

7590 10/29/2004
HALE AND DORR
60 STATE STREET
BOSTON, MA 02109

EXAMINER

JOHANNSEN, DIANA B

ART UNIT PAPER NUMBER

1634

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Amendment

1. The reply filed on August 25, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). See 37 CFR 1.111.
2. First, with regard to Applicants' election of SEQ ID NO: 28 for (a) and SEQ ID NO: 38 for (b), clarification is required with regard to which claims are believed to correspond to the elected species. For example, Applicant has identified "contiguous" SEQ ID NO: 28 as readable on, e.g., claim 4; however, claim 4 depends only from claim 2, which requires a "non-contiguous" sequence. Further, it is noted that it appears that Applicants have inadvertently failed to identify all claims readable on this elected invention. Specifically, it is noted that Applicants' response makes reference to claims "-20", suggesting that Applicants may have intended to identify a range of claims terminating with claim 20 (rather than merely claim 20 itself). Accordingly, Applicant is requested to review and clarify which claims correspond to each elected species.
3. Second, it is noted that Applicant has elected multiple non-contiguous sequences (SEQ ID NO: 38 as well as SEQ ID NO: 148); however, election of a single such sequence was required. While applicant has made reference to claim 3, it is noted that claim 3 depends from claim 2, and that both claims encompass sequences complementary to non-contiguous regions (with claim 3 being further limited to sequences complementary to a particular number of non-contiguous regions). Accordingly, in response to this Notice, Applicant should specify which single sequence is elected for (b), and identify those claims readable on the elected species.

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4. Applicants' traversal of the species election requirement is noted. Upon receipt of a complete response to that requirement, a response to Applicants' traversal (as well as any additional comments or arguments provided in response to this Notice) will be set forth in the next Office action.

5. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at 571/272-0745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in dark ink, appearing to read "Diana B. Johannsen", with a long, sweeping horizontal stroke extending to the right.

Diana B. Johannsen
Primary Examiner
October 29, 2004